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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI

Eastern

DIVISION

OSCAR GARNER,  
Plaintiff

(Write the full name of the plaintiff in this action.  
Include prisoner registration number.)

Case No: \_\_\_\_\_  
(to be assigned by Clerk of District Court)

v.

John DOE-1 (WARDEN), John DOE-2  
(Medical Director of ERDCC), John DOE-3  
(Health Service Administrator of ERDCC),  
John DOE-4 (Adjustment Board of ERDCC),  
John DOE-5 (Sec. FUM), ~~John DOE-6 (Sec. FUM)~~

Plaintiff Requests Trial by Jury  
☒ Yes ☐ No

(Write the full name of each defendant. The caption  
must include the names of **all** of the parties.  
Fed. R. Civ. P. 10(a). Merely listing one party and  
writing "et al." is insufficient. Attach additional  
sheets if necessary.) C.O. Elizabeth Niles,  
JANE DOE-1

**PRISONER CIVIL RIGHTS COMPLAINT UNDER 42 U.S.C. § 1983**

NOTICE:

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date, the full name of a person known to be a minor, or a complete financial account number. A filing may include only: the last four digits of a social security number, the year of an individual's birth, a minor's initials, and the last four digits of a financial account number.

Except as noted in this form, plaintiff should not send exhibits, affidavits, witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed without prepayment of fees and costs.

**I. The Parties to this Complaint**

**A. The Plaintiff**

Name: OSCAR GARNER

Other names you have used: N/A

Prisoner Registration Number: 1343591

Current Institution:

EASTERN RECEPTION, DIAGNOSTIC AND CORRECTIONAL CENTER, 2727 Highway K,  
BONNE TERRE, MO 63628.

Indicate your prisoner status:

<input type="checkbox"/> Pretrial detainee	<input checked="" type="checkbox"/> Convicted and sentenced state prisoner
<input type="checkbox"/> Civilly committed detainee	<input type="checkbox"/> Convicted and sentenced federal prisoner
<input type="checkbox"/> Immigration detainee	<input type="checkbox"/> Other (explain): _____

**B. The Defendant(s)**

To the best of your knowledge, give the information below for each defendant named in the caption of this complaint. Make sure the defendant(s) named below are the same as those listed in the caption of this complaint. Attach additional pages if necessary.

For an individual defendant, include the person's job title, and check whether you are suing the individual in his or her individual capacity, official capacity, or both.

**Defendant 1**

Name: John Doe-1

Job or Title: WARDEN/Superintendent

Badge/Shield Number: UNKNOWN

Employer: EASTERN RECEPTION, DIAGNOSTIC AND CORRECTIONAL CENTER

Address: 2727 Highway K, BONNE TERRE, MO 63628

           Individual Capacity   X   Official Capacity

**Defendant 2**

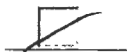
Name: John Doe-2

Job or Title: Medical Director of ERDCC

Badge/Shield Number: \_\_\_\_\_

Employer: Contracted to provide and oversee medical care at: Eastern Reception, Diagnostic and Correctional Center.

Address: 2727 Highway K, Bonne Terre, MO 63628



Individual Capacity



Official Capacity

SEE Attachment-A

**II. Statement of Claim**

Type, or neatly print, a short and plain statement of the **FACTS** that support your claim(s). For every defendant you have named in this complaint, you must state what he or she personally did to harm you. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Do not make legal arguments, or cite court cases or statutes. You may attach additional pages if necessary.

Your statement of claim must include all of the following information:

1. What happened to you?
2. When did it happen?
3. Where did it happen?
4. What injuries did you suffer?
5. What did each defendant personally do, or fail to do, to harm you?

Claim-1

1. On 12-12-23, Garner arrived to (ERDCC) Eastern Reception, Diagnostic and Correctional Center for C-5 Treatment Program.

2. On 12-24-23, Garner received a (ERDCC) Violation dated 12-24-23 and was placed on (TASC) Temporary Administrative Segregation Confinement and Lt. Richard Pilny signed off on a major Disciplinary Violation after it was written.

3. Later on John Doe-1 the Superintendent signed off and confirmed the violation and wrote Garner stating: Confinement in TASC: Pending Review by C.H.O. (Corrective Hearing officer). The hearing shall be held on or before 1-4-24.

ATTACHMENT - A

- John DOE-3: Health Service Administrator, Contracted to provide and oversee care at: Eastern Reception, Diagnostic and Correctional Center, 2727 Highway K, Bonne Terre, MO 63628.
- John DOE-4, Adjustment Board Committee, Eastern Reception, Diagnostic and Correctional Center, 2727 Highway K, Bonne Terre, MO 63628.
- John DOE-5, Segregation (FOM) Functional Unit Manager, Eastern Reception, Diagnostic Correctional Center, 2727 Highway K, Bonne Terre, MO 63628.
- Correctional Officer Elizabeth Niles #E0157460, Eastern Reception, Diagnostic and Correctional Center, 2727 Highway K, Bonne Terre, MO 63628.
- JANE DOE-1 (Sick call Nurse) of ERDCC Segregation, Eastern Reception, Diagnostic and Correctional Center, 2727 Highway K, Bonne Terre, MO 63628.

4. The plaintiff never had such a hearing, for a C.H.O.
5. The plaintiff wrote a letter to the John DOE-1 and case worker Heather Gross regarding [not] receiving a C.H.O. hearing without a response.
6. ON 12-24-23, G.O. Wiles wrote a (rewrite) of the violation however, it was never read to Garner and/or showed him.
7. ON 12-27-23, Garner wrote to John DOE-1 & John DOE-4 along w/ John DOE-5 and the caseworker more than (3) times with no response.
8. Garner then wrote to the Records office requesting a copy of the violation explaining he never received a copy without a answer.
9. Garner continued to ask for a copy of the violation and even went so far as to ask the C.O.'s for a copy, and responded by explaining they were instructed [not] to give Garner a copy.
10. Then on 1-17-24, Garner got a C.O. to print a copy of the (rewrite) written on 12-24-23, by C.O. Wiles with Cell # 2B-206-2 and the bottom half regarding the interview part hadn't been filled out.
11. Garner continued to write the mentioned staff about going on a hearing and his family called and they would tell them they have (14) days yet this hearing wasn't being held.
12. ON 2-3-24, a officer gave Garner a copy of a locator sheet called; "INSTITUTIONAL VIOLATION REPORT PENDING" stating in part; Time Printed-6:26pm Date: 2-3-24 Date written: 12-24-23 and Assignment at time of violation Housing Unit: 206-B-2-house, with the (rewrite) violation.
13. ON ~~2-3-24~~ 1-31-24, the Case Worker writes Garner on a note  
SEE; Attachment-B

### III. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Diarrhea, Constipation, Nausea, Severe Stomach Pain, Vomiting, Blood in stool, pain using the restroom, headaches due to denial of eyeglasses, not sure if eyes got worse from straining to see, can't hold food down.

And States. Your rewrite/rehearing was issued on 1-8-24 and "I think they forgot."

14. DN 2-4-24, A Sgt. And brings the violation that I already have a copy of dated 12-24-23 and explain that G.D. Wiles wrote a violation on 2-4-24 and they refused to provide a copy of the sign one.

15. This violation was written out of Retaliation knowing the first violation would not hold because it had been a lie and Garner had ~~expressed~~ express that with witnesses.

16. DN 2-7-24, had a Disciplinary hearing in front of John Doe-4 which disregarded all evidence and Garner's Due Process and told him none of the time counted as he set down in segregation since 12-24-23 and he had (30) day D.S. (Disciplinary Separation) and Administrative Segregation. And John Doe-4 stated if you keep causing problems it's gone get worse.

17. Garner continues in segregation and counting and was told by John Doe-4, I better not help anyone else with there Grievance.

### Claim-2

18. Garner has been housed in segregation since 12-24-23 and continue to be without sick call appointments being held as a [practice] in segregation at ERDCC without cause.

19. While the policy at ERDCC are to answer ~~sick calls~~ health service request and hold sick call yet the practice is to not hold sick call nor answer health service request and because of this you can't be placed on the list to see a doctor nor nurse practitioner and therefore denied medical treatment while housed in segregation 2-house at ERDCC.

20. Upon information and belief John Doe-1 (Warden), John Doe-2 (Medical Director) and John Doe-3 (Health Service Administrator) are [all] responsible for the health of inmates and that sick call appointments are performed and made ~~available~~ available for inmates in segregation at ERDCC and assure that inmates are seen by medical for health problems while in segregation.

21. Upon information it is the Warden (John Doe-1) job to hire the correct medical staff to provide treatment and set up sick calls and answer health service request.

22. Upon information and belief it is Jane Doe-1 duties consist ~~are~~ are provide medical care and treatment and set appointments for inmates in segregation to see a physician, exam inmates and inmates for medical emergencies that require examinations.



23. Garner placed a Health Service Request slip to see Sick call about his AND SEE A Doctor Because he has Irritable Bowel Syndrome AND had [not], had his medication [Hyoscamine 0.125mg] (2) times a day SINCE Arriving AT ERDC ON 12-12-23 AND I had to go to Sick call to be evaluated to receive a refill.
24. Garner Received NO Response So A week later ON or around 1-4-24 Garner wrote another (HSR) AND put A (I.R.R.) Informal Resolution Request with NO response AND still NO MEDS.
25. Garner became constipated in which he put in another sick call AND still received NO response from his HSR. (Garner had muscle pain, dizziness, nausea AND vomiting to the point it was blood AND couldn't consume food for day).
26. Garner placed a (HSR) in regarding being in pain still AND NOW having diarrhea, Blood in stool AND painful to use the restroom yet he received NO response nor seen sick call to receive treatment.
27. Garner placed a request to (HSU) Regarding about a (HSR) from 12-14-23, because properly lost his prescription eyeglasses AND SINCE being in segregation had been receiving headaches, however, there WAS NO response.
28. After Garner wrote to John Doe-1, John Doe-2, John Doe-3 & Jane Doe-1 regarding sick call medication AND not being seen in Segregation, ON 2-5-24 JANE DOE-1 came to Garner's door AND explained she can't see him she has other things to do AND it will be awhile before she can see him AND/OR EXAMINE him maybe a couple of Months, so he's just gone have to wait AND stop writing John Doe 1 & 3 We have A whole prison to worry about.
29. IF this Court fails to Act AND Direct Defendants to provide Adequate medical treatment he will ~~continue to~~ suffer from Irreparable harm.

**IV. Relief**

State briefly and precisely what you want the Court to do for you. Do not make legal arguments. Do not cite any cases or statutes. If you are requesting money damages, include the amounts of any actual damages and/or punitive damages you are claiming. Explain why you believe you are entitled to recover those damages.

1. Issue a Declaratory judgment that Defendant's actions and/or omissions violated plaintiff's Constitutional rights under the 8th & 14th & 1st Amendment.
2. Issue a Preliminary and Permanent Injunction directing Defendants to provide plaintiff with adequate medication and treatment.
3. Issue Award of Compensatory Damages. Against each of the Defendants  
SEE Attachment (C)

**V. Exhaustion of Administrative Remedies/Administrative Procedures**

The Prison Litigation Reform Act ("PLRA") 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison or other correctional facility where you were confined at the time of the events giving rise to your claim(s):

(ERDC), 2727 Highway K, Bonne Terre, MO 63628

- B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. If yes, does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know



4. Issue Award of Punitive Damages against each of the Defendants both jointly and severally, in the amount of Fifty Thousand (\$50,000) Dollars.

5. Award Nominal Damages.

6. Award Presumed Damages.

7. All claims are brought against the Defendants in their personal capacities, and official capacities.

8. Plaintiff Demands a trial by jury on all matters triable.

ATTACHMENT-1  
Second Constitutional Claim.

Incorporating paragraphs 4 thru 17 of the statement of Claims in the Complaint. plaintiff Alleges Defendants (John DOE-4 & Elizabeth Wiles) Violated his 1st Amendment regarding Retaliation.

Third Constitutional Claim.

Incorporating paragraphs 2 thru 28 of the statement of Claims in the Complaint. plaintiff Alleges Defendants (John DOE-1 & John DOE-5) Violated his 8th Amendment Conditions of Confinement.

Forth & Constitutional Claim.

Incorporating paragraphs 2 thru 28 of the statement of Claims in the Complaint. plaintiff Alleges Defendants (John DOE-1 & John DOE-2 & John DOE-3 & JANE DOE-1) Violated his 8th Amendment of Adequate Medical treatment AN Denial of Medical treatment (While denying all sick call's and/or delaying for months).

If yes, which claim(s)?

First Constitutional Claim  
Incorporating paragraphs 2 thru 17 of the statement of claims  
in the complaint. plaintiff alleges Defendants ~~violated~~ (John Doe-#)  
violated his Due Process Rights under the 14th Amendment.

<sup>SEE ATTACHMENT-D</sup>  
D. Did you file a grievance in the jail, prison, or other correctional facility where  
your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other  
jail, prison, or other correctional facility?

☐ Yes

☐ No

E. If you did file a grievance:

1. Where did you file the grievance?

(ERDCC), 2727 Highway K, Bonne Terre, Mo 63628

2. What did you claim in your grievance? (Attach a copy of your grievance, if  
available)

3. What was the result, if any? (Attach a copy of any written response to your  
grievance, if available)

Not Resolved yet

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

I haven't got to that stage yet, due to the limits at this institution ARE (40) days for each step and (100) days for the last step. However, each step may take up to (9) months due to the back log, and this is a (emergency), however, I (have) filed a grievance.

- F. If you did not file a grievance:

N/A

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

PLEASE REVIEW #4

*(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)*

**VI. Previous Lawsuits**

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

- A. To the best of your knowledge, have you ever had a case dismissed on the basis of this "three strikes rule"?

☒ Yes ☐ No

If yes, state which court dismissed your case and when it was dismissed. Attach a copy of the court's order, if possible.

*I'm in Segregation without legal work and unable to get to law library material.*

Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes ☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff N/A

Defendant(s) N/A

2. Court (if federal court, name the district; if state court, name the state and county)

3. Docket or case number N/A

4. Name of Judge assigned to your case N/A



5. Approximate date of filing lawsuit N/A

6. Is the case still pending?

☐ Yes

☐ No (If no, give the approximate date of disposition): \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☒ Yes

☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit PLEASE SEE #A

Plaintiff OSCAR GARNER

Defendant(s) DR. VALERIE WALKER, et al.

2. Court (if federal court, name the district; if state court, name the state and county)

3. Docket or case number 4:21-CV-00004-JAR

4. Name of Judge assigned to your case John A. Ross

5. Approximate date of filing lawsuit 2021 January

6. Is the case still pending?

☒ Yes

☐ No (If no, give the approximate date of disposition): \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Still Pending

## VII. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 8th day of February, 20 24.

Signature of Plaintiff

